

REMARKS

The Examiner has rejected claims 1 and 3-9 (all claims pending at the time of the last office action) as obvious over Ericsson (WO 00 16513 A).

All of claims 1-9 are now canceled and by the current amendment, new claims 10-14 are introduced. Applicants submit that the new claims introduce no new matter. The limitations of the new claims are supported by the Specification generally, and especially by FIGS. 2 and 3 and the associated text from Specification, page 5, line 24, to page 6, line 29. In addition, the "asynchronous" limitation of claim 14 is supported at Specification page 4, lines 17-19.

The invention as recited in the new head claim 10 involves a process in which individual wireless terminals provide feedback reports at intervals longer than the "adaptation interval" between successive adaptations by the base station. Claim 10 includes the further limitations that: the reports are spread over time such that reports from different terminals are received in different timeslots; and in each adaptation interval, the base station responds to at least one of the reports by selecting a data rate for downlink transmission.

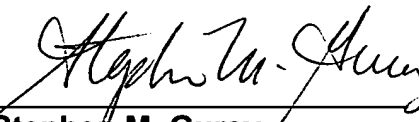
Applicants respectfully submit that claim 10, together with its dependent claims 11-14, is patentable over Ericsson under the standard of 35 USC 103 at least for the reason that the cited reference fails to teach or suggest the spreading over time of feedback reports from individual terminals, combined with selecting at least one report to which to respond in each adaptation interval.

The cancellation of the previous claims has rendered moot the Examiner's objection to informalities in claim 6.

Having responded to all points of objection and rejection, Applicants respectfully solicit allowance of claims 10-14.

Respectfully submitted,

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